



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jayanta Roy-Chowdhury *et al.*

Serial No. 08/486,054

Filed: June 7, 1995

Title: POLYNUCLEOTIDE COMPOSITION
AND METHOD

Group Art Unit: 1644

Ex'r: R. Schwardon

527 Madison Avenue, 9th Floor
New York, New York 10022
July 12, 2001

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks

Washington, D.C. 20231 Box DAC

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

RECEIVED

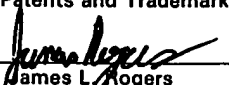
JUL 17 2001

OFFICE OF PETITIONS

PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No. <u>EL701001077US</u>	
Deposit Date	<u>July 12, 2001</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 James L. Rogers Reg. No. 44,305	<u>7/12/01</u> Date

Jayanta Roy-Chowdhury et al.

Serial No. 08/808,629

Filed: February 28, 1997

Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - July 12, 2001)

37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after August 6, 2000, which was the date that a response to the July 6, 2000 Office Communication was originally due. A Notice of Abandonment was subsequently mailed on February 9, 2001, a copy of which is attached hereto.

It is hereby requested that this application be revived because the delay in taking action was unintentional as was the delay in filing the response to the July 6, 2000 Office Communication. A response to the July 6, 2000 Office Communication in the form of an Amendment in Connection With July 6, 2000 Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures is being submitted concurrently herewith.

The small entity fee for filing this Petition is \$620.00. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite small entity fee of \$620.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and the attached Amendment, or to credit any overpayment thereto.

Jayanta Roy-Chowdhury et al.

Serial No. 08/808,629

Filed: February 28, 1997

Page 3 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - July 12, 2001)

A duplicate copy of this Petition is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



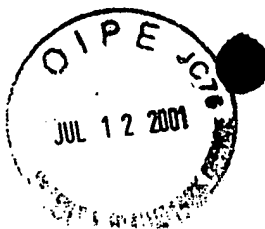
James L. Rogers
Registration No. 44,305
Attorney for Applicants

ENZO THERAPEUTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
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JUL 17 2001

OFFICE OF PETITIONS



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/S03.622	02/28/97	ROY-CHOWDHURY	J ENZ-55

RONALD C FEDUS
CORPORATION & PATENT COUNSEL
ENZO BIOCHEM INC
427 MADISON AVENUE 9TH FLOOR
NEW YORK NY 10022

HM22/0209

EXAMINER	
SCHWADRON, R	
ART UNIT	PAPER NUMBER
1644	

DATE MAILED:

02/09/01

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to respond to the Office letter, mailed 7/6/2000.
- ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
- ☐ Applicant's failure to timely file the response received _____ within the period set in the Office letter.
- ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of _____ of the Notice of Allowance.

☐ The issue fee was received on _____.

☐ The issue fee has not been received in Allowed Files Branch as of _____.

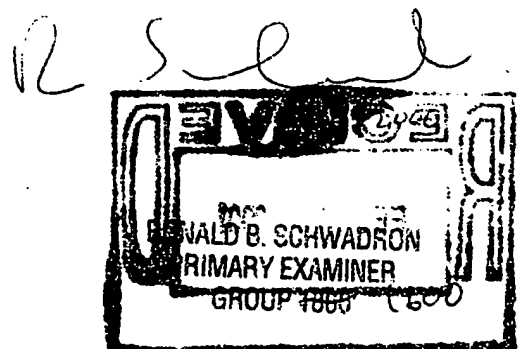
In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (I), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

- ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.

☐ The corrected and/or substitute drawings were received on _____.

- ☐ The reason(s) below.





SEQUENCE LISTING

<110> Roy-Chowdhury, Jayanta
Ilan, Yaron
Rabbani, Elazar
Engelhardt, Dean L.

<120> Novel Processes Implementing Selective Immune Down Regulati
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<130> Enz-55

<140> 08/808,629

<141> 1997-02-28

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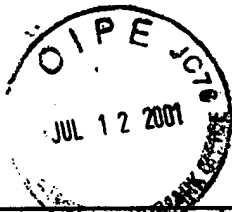
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<223> Description of Artificial Sequence: Antisense primer

<400> 2

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19



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/803,622	02/28/97	ROY-CHOWDHURY	J ENZ-55

RONALD C FEDUS
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ENZO GIOCHEN INC
137 MADISON AVENUE 15TH FLOOR
NEW YORK NY 10022

HM22/0209

EXAMINER	
SCHWADRON, R	
ART UNIT	PAPER NUMBER
1544	

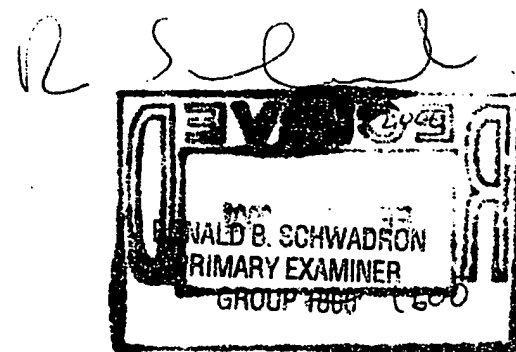
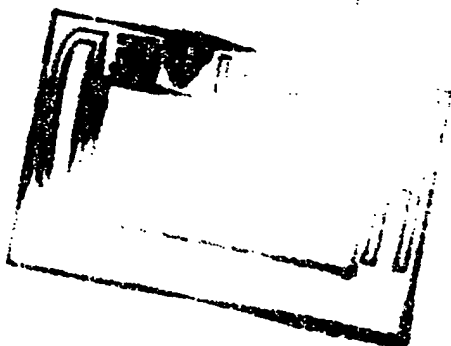
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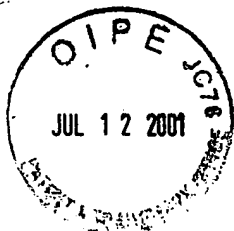
02/02/01

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1. ☒ Applicant's failure to respond to the Office letter, mailed 7/6/2000.
 2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
 3. ☐ Applicant's failure to timely file the response received _____ within the period set in the Office letter.
 4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of _____ of the Notice of Allowance.
☐ The issue fee was received on _____.
☐ The issue fee has not been received in Allowed Files Branch as of _____.
- In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (l), and a verified showing as to the causes of the delay.
- If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.
5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.
☐ The corrected and/or substitute drawings were received on _____.
 6. ☐ The reason(s) below.





Application No.: 08/808629

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: SEE ENCLOSED NOTE

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE